No. 68352

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

Date of filing in State Engineer's Office **JAN 11 2002**

Returned to applicant for correction **JAN 29 2002**

Corrected application filed

Map filed **FEB 12 2002 under 68350**

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The applicant **Dry Lake Water, LLC** hereby make application for permission to change the **Point of Diversion** of water heretofore appropriated under **Permit 66164**

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1. The source of water is **underground**

2. The amount of water to be changed **137.58 acre-feet; 0.19 cfs**

3. The water to be used for **Quasi-Municipal**

4. The water heretofore permitted for **Quasi-Municipal**

5. The water is to be diverted at the following point **within NE¼ of the NE¼, Section 13, T.19S., R.63E., M.D.B.M. at a point where the NW corner of said Section 13 bears North 76° 47' 59" West a distance of 5180.00 feet.**

6. The existing permitted point of diversion is located within **SW¼ of the NW¼ of Section 18, T.19S., R.64E., M.D.B.M. at a point that bears North 18° 28' West at a distance of 2085.0 feet to the Northwest corner of said Section 18.**

7. Proposed place of use **Apex Industrial Park. Identical to the "Place of Use" as shown on permits 66162 through 66166**

8. Existing place of use **The existing place of use is identical to the proposed place of use and is unchanged. This request is not intended to change the Place of Use**

9. Use will be from **January 1st** to **December 31st** of each year.

10. Use was permitted from **January 1st** to **December 31st** of each year.

11. Description of proposed works **Drilled well, pump, pipeline and storage tanks**

12. Estimated cost of works **$5,500,000**

13. Estimated time required to construct works **Three years**

14. Estimated time required to complete the application of water to beneficial use **Five years**

15. Remarks: **Dry Lake Water LLC intends to be the distributor of water to the developments in the Apex Industrial Park. Dry Lake Water LLC requests that the duty under the requested new permits corresponding to existing permits 66163, 66164, 66165, 66166 (totaling 1392.06 afa), and applications 68019, 68020, 68021, and 68022 (totaling 1088.8 afa) be commingled for a total annual duty not to exceed 2480.86 afa. Applications 68019, 68020,**

68021 and 68022 are presently in the name of the Oglebay Norton Company, but Dry Lake Water LLC has an agreement with Oglebay Norton allowing the use of a common point of diversion.

By **Adam P. Titus**
s/ **Adam P. Titus**
2701 North Tenaya Way
Las Vegas, Nevada 89128

Compared **cam/** cmf lb/cmf

Protested 5/1/02 by Craig York on behalf of the Nevada Power Company; 5/3/02 by USDI Bureau of Land Management;
W/D 4/4/03 (W/D 8/4/03)

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APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion of the waters of an underground source as heretofore granted under Permit 66164 is issued subject to the terms and conditions imposed in said Permit 66164 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The total combined duty of water under Permits 68350, 68351, 68352 and 68353 shall not exceed 1,392.06 acre-feet annually.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

Monthly records shall be kept of the amount of water pumped from this well and the records submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter.

Prior to any pumping under this permit, a dedicated monitoring well to measure the static water level shall be placed in a location approved by the State Engineer which will determine impacts to existing rights.

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(PERMIT TERMS CONTINUED)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed **0.19** cubic feet per second, **but not to exceed 137.55 acre-feet annually.**

Work must be prosecuted with reasonable diligence and be completed on or before:

November 7, 2004

Proof of completion of work shall be filed on or before:

December 7, 2004

Water must be placed to beneficial use on or before:

November 7, 2008

Proof of the application of water to beneficial use shall be filed on or before:

December 7, 2008

Map in support of proof of beneficial use shall be filed on or before:

N/A

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this **7th** day of **November,** A.D. **2003**

Hugh Ricci, P.E.

State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed **N/A**

Certificate No. _____ Issued _____

Dry Lake Water Company LLC
Application 68352, Item #7 & #8

PROPOSED PLACE OF USE

7. Proposed Place of Use: The exact places of use within the Apex Industrial Park are all within the "Place of Use" boundary as shown on the attached "Place of Use" map. The description of the lands within that boundary are more specifically listed below:

Township 17 South, Range 63 East: Parts of Sections 32 and 33

Township 18 South, Range 63 East: Parts of Sections 3, 4, 5, 8, 9, 10, 11, 13, 14, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35

Township 19 South, Range 63 East: Parts of Sections 2, 3, 4, 5, 6, 7, 8, and 9

EXISTING PLACE OF USE

8. Existing Place of Use: The exact places of use within the Apex Industrial Park are all within the "Place of Use" boundary as shown on the attached "Place of Use" map. The description of the lands within that boundary are more specifically listed below:

Township 17 South, Range 63 East: Parts of Sections 32 and 33

Township 18 South, Range 63 East: Parts of Sections 3, 4, 5, 8, 9, 10, 11, 13, 14, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35

Township 19 South, Range 63 East: Parts of Sections 2, 3, 4, 5, 6, 7, 8, and 9